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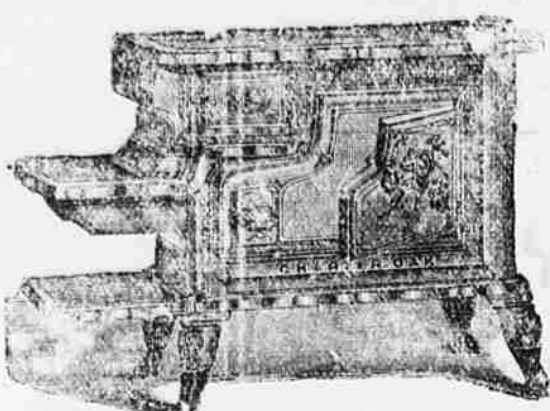
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THE LEGISLATURE.

107TH DAY.

MONDAY, Oct. 20th.

AFTERNOON SESSION.

The House resumed at 1:40. Rep. Brown moved in amendment to Noble Phillips' motion on the Bowler claims, to insert \$7000 for work on Palace walls, and \$1612.08 for work on Palace electric light station.

Rep. Cummings was in favor of paying the full amount of the claims, \$49,218.44. If the Government promised Mr. Bowler the job of returning the South Sea Islanders, he should be paid whatever he lost on account of that promise. He cited a Supreme Court decision in his own experience to show that the Court was not infallible. If the Government had carried out its contract with Mr. Bowler, that gentleman would be a rich man instead of a poor man to-day.

Noble J. M. Horner considered the matter an important one, as if the claims were granted there would be innumerable claims in the future. There was some foundation to the electric light claim, but he was doubtful about the wall claim. One Superintendent of Public Works gave the value of the work at \$7000, whereas another gave it at \$4000. Rather than be on the side of injustice he would vote for \$7000 without interest, but he believed if the work was measured it would be found to be worth only \$4000, as the last Superintendent reported.

The claim for the South Sea Island laborers had no good foundation. The fortune Mr. Bowler lost on the transaction was like that of the Western farmer, who said he would be rich if he only had enough hogs to eat all the acorns in the woods. Mr. Bowler might just as well have put down 500 laborers that he might have recruited, when imagining out this claim against the Government. Mr. Lydgate recruited laborers in the South Seas at \$250 each, and Mr. Turtan at \$125, and if laborers cost Mr. Bowler as high as these rates he would have been all broken up. Mr. Bowler was always unlucky with the Kalakaua, as her previous owner was, but that did not say that the Legislature should pay his debts. If the hon. member for Hamakua had made his motion \$10 for the actual number 113 of laborers to be carried he would vote for it. He could not vote hard dollars for imagination.

Rep. Bush thought there were sufficient facts found by the committee to show that a contract was made in each case claimed. Mr. Bowler had nothing to do with whether the President of the Board of Immigration acted independently of the Board or not. If he made a contract with Mr. Baldwin or Mr. Horner to do a certain service and he failed to do that service either of those gentlemen would jump down his throat to make him pay for it. It was not Mr. Abolmerely but His Majesty's Minister of the Interior who had made this contract with Mr. Bowler, and as such he bound his successors in office to contracts. If \$49,000 was excessive compensation for these contracts, then the only question with the House was the amount that would be fair. Mr. Bowler was ready to carry out his part of the contract, and if he had been allowed to carry it out and lost on it he would have no claim. But having been prevented by the late Government from carrying out his part of the contract, Mr. Baldwin or Mr. Horner had no right to say that the claim was imaginative. He knew personally as Minister to Samoa that one part of the contract was bona fide, because he had received letters from this Government notifying him that the Kalakaua was to bring coal for the Embassy.

Rep. Rosa said the House seemed to be agreed on the electric light claim except as to interest. He would be opposed on principle to interest, but unfortunately signed the report before considering that point. Supporters of the Reform Ministry could not condemn the payment of claims not authorized by the Appropriation Act, when on several occasions that Ministry had made payments without any authority of law. There were the Makiki claims already referred to, where those gentlemen put their hands in the treasury to pay themselves. Hon. members of the Reform Party had better be silent than to raise points where that party had been particularly weak. The late Minister of the Interior had left testimony under his own hand to illegal contracts made by him. The Madras claim came up at a time when there was great heat in politics. He had been informed that the Madras claim would never have been granted in any other country. The captain of the Madras broke the regulations of this port. When the case came into Court the jury found a verdict adverse to the Government because nearly every foreigner was against Mr. Gibson. Those jurors were ashamed of their verdict to-day. A new trial was granted but the Reform Government did not bring the case into Court. They rushed an item to pay compromise damages through the Legislature. With regard to the South Sea business the speaker reminded the House of the prosecution of the brig Allie Rowe for kidnapping, which necessitated having all recruiting in that region

done under auspices of the Government. The committee had positive evidence from Mr. Spencer that there were 220 laborers in Honolulu to be returned, and the same witness testified to arrangements having been in progress for sending them by the bark Kalakaua.

Noble Widemann said Judge Dole had declared this contract illegal. Having done so he would have declared the Thurston contract with the Wilder Steamship Co. also illegal. It is not likely that the Supreme Court would declare one contract illegal because a native made it and another not illegal because it was made by a white man. The House already knew his views on the Thurston contract, but he had not gone so far as to oppose the paying of those persons. It would be nothing but justice, however, to make them wait two years for their money. Mr. Bowler having waited his two years should be paid what was justly due him.

Noble J. M. Horner wanted to know where the balance of the 220 laborers were, when the records of the department showed only 113.

Noble Macfarlane said they had gone back to plantations. He believed it was deliberately planned that they should be forced back to the plantations.

Noble J. M. Horner asked how Mr. Bowler lost \$35,000 in the three days between making the contract and the abrogation of the contract by the new Government. If there had been a legal contract the only claim he would have would be in the shape of damages sustained.

Noble Baldwin said most members admitted that the Bowler contract was illegal. In the case of the advances for the Volcano road, the Minister made no contract. And in the case of the Harrison contract, the party of the second part went into it with his eyes open. Mr. Thurston broke no law in these cases, but simply promised to lay the matters before the Legislature. But even if he did break the law, two wrongs did not make a right. It would be a fraud on the country to pay \$30,000 or \$40,000 on an illegal contract from which the country had received no benefit.

Noble Widemann, referring to the previous speaker's opinion that the Volcano road contract was not illegal, said if he defended such a thing he would want to shoot himself the next moment. This House was the authority for the spending of money, and for a Ministry to spend money in anticipation of a vote of the House was equal to forcing the House, from a sense of honor, to ratify an illegal expenditure. The remarks of the previous speaker as to fraud were a fraud on the House.

Minister Cummins thought enough had been said, and was in favor of adopting the report of the committee.

Noble Phillips withdrew his motion, which was renewed by Rep. Cummings.

The ayes and noes were called on the question of \$49,218.44, which was lost on the following vote:

Ayes—Noble Pua; Reps. Cummings, Marques, R. W. Wilcox, Bush, Nawahi, Baker, White, Cockett and Kamai—10.

Noes—Ministers Cummins, Brown and Spencer; Nobles Widemann, Berger, Macfarlane, Muller, McCarthy, Phillips, Crabbe, J. M. Horner, Hind, Parker, Marsden, Baldwin, W. Y. Horner, Walbridge, Anderson, von Tempisky, G. N. Wilcox, Kanoa; Reps. Brown, Lucas, Rosa, Kauihi, A. Horner, Rickard, Paehaole, Kanealii, Halstead, Knudsen, Rice and A. S. Wilcox—33.

The ayes and noes were called on the adoption of the committee's recommendation of \$34,839.84, which was carried on the following vote:

Ayes—Ministers Cummins and Spencer; Nobles Widemann, Berger, Muller, Pua, McCarthy, Phillips, Crabbe, Parker and Kanoa; Reps. Cummings, Marques, Lucas, Wilcox, Rosa, Bush, Kauihi, Nawahi, Baker, Paehaole, White, Kanealii, Cockett and Kamai—25.

Noes—Minister Brown; Nobles Macfarlane, J. M. Horner, Hind, Marsden, Baldwin, W. Y. Horner, Walbridge, Anderson, von Tempisky and G. N. Wilcox; Reps. Brown, A. Horner, Rickard, Kahookano, Apiki, Halstead, Knudsen, Rice and A. S. Wilcox—20.

Noble Macfarlane explained his vote, saying the committee should have found an offset in the expenses of the vessel. He would move an amendment if the opportunity should arrive.

A motion to reconsider the vote was lost.

The House adjourned at 3:55.

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Mariposa	Nov 26	Nov 15
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